

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:Sierra Pacific Industries
Permit No. SAC 12-01
Respondent: EPA Region 9

**Petition by Appellant Heidi Strand to Review a Decision by EPA Region 9 Presiding
Administrative Officer Omer Shalev. Presiding officer Shalev disenfranchised the affected
Environmental Justice community in this permitting process.**

I want to thank the EAB for being generous and fair handed to the citizens of Shasta County in our previous appeals concerning Knauf Fiberglass. The issues in that case that were remanded back by the EAB were Environmental Justice (EJ) and Best Available Control Technology.

In this case, Presiding Officer Omer Shalev, EPA Region 9 was fully aware he was dealing with an Environmental Justice community from the beginning of this permitting process. I allege he intentionally and egregiously violated Environmental Justice guidelines and therefor erred in his decision to issue a PSD permit to Sierra Pacific Industries.

A) Omer Shalev set ambiguous guidelines for the public to have a public hearing...then denied it.

There was great confusion on whether Region 9 was issuing a new PSD permit that would cover the new facility or a blanket PSD Permit covering both facilities since Region 9 called the new permit a "modification." Also, the Region had taken away the counties authority to issue PSD permits several years ago. When I tried to straighten this confusion out, the county referred me to Region 9, who referred me back to the county (rinse and repeat).

This was a question I would have asked at a public hearing.

B) Mr. Shalev, Region 9 incorrectly left out Celeste Draisner's official comment and only added it in after she contacted him. Disenfranchising her from the process.

C)Mr. Shalev did not enter my public comment into the public record. Instead, he paraphrased *parts* of my comments and proceeded to use them as a platform to justify his actions. I then compared Ed W. Coleman's original comment to the one listed as his on Region 9's website. Region 9 has done the same to his comment.

I recognize the guidelines for Region 9 are different than CEQA (California Environmental Quality Act). CEQA requires comments to be printed in their entirety, and every question to be answered. While Region 9 was not required to uphold the same standards as CEQA, I do not believe Mr. Shalev met the minimal standards of Environmental Justice.

D)February 28, 2013, I submitted a Freedom Of Information Request to FOIA Officer Ivry Johnson, Region 9. I requesting the complete comments submitted on the project, including ones excluded that were submitted to the agency. I also requested the complete contact information for each one. I requested these so I could show in my petition that Mr. Shalev had not met the threshold of EJ.

I have not received that information and that has impacted my ability to make my case.

E) Best Available Control Technology(BACT) is of particular concern for me. Because of your help, the Knauf Fiberglass factory operates significantly cleaner. In that case, the EAB ruled “ Petitioners have raised legitimate questions about the particular control technology and emission limits for the proposed facility.... The record does not show that AQMD adequately considered the comments received on BACT.”

Petitioner Celeste Draisner raised legitimate, well researched BACT questions on this project. Her comment was not entered into the original record. When she contacted the Region regarding her comment they told her she sent it to the wrong email and would not be included. I mailed my comment to the same email address without incident.

After we complained to the region over this, they recanted and later included her comment. A special notice had to be sent out. As Ms. Draisner explained in her detailed comment, BACT had not been adequately reviewed. Mr. Omer Shalev did not fix this error when he responded to Ms. Draisner's comments.

Omer Shalev stated in his response to my comment “EPA reviewed demographic data for the community surrounding the immediate project area prior to proposing the permit....AAQIR concluded that the proposed modification will not cause or contribute to air quality levels in excess of health standards for the pollutants regulated under EPA’s proposed PSD permit for the proposed modification, and that the project will not result in disproportionately high and adverse human health or environmental effects with respect to these air pollutants on populations residing near the SPI-Anderson site, or on the community as a whole. (emphasis added.)

Mr. Shalev was fully aware he was dealing with an Environmental Justice Community. His finding of fact that the community would not be disproportionately effected from his desk two hundred plus miles away without visiting our community and denying us even one public hearing was incorrect and erroneous.

Region 9's handling of this permitting process can in no way be construed as “early and sustained involvement with the effected community,” as required under EJ guidelines. Please review Region 9's decision to issue Sierra Pacific Industries a PSD permit # SAC-12-01.

Sincerely,
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